

IN THE UNITED STATES DISTRICT COURT

FILED
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA

2007 JAN 4 AM 11 38

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

JANET DENISE STOKES,

Plaintiff,

vs.

JOHN E. POTTER, Postmaster General,
for JOHN HEIDEMA, HEATHER
WEILAND, JASON HIRST, DORA
FELICIONI, JIM SPITZER, DENNIS
KAUTZ, and TOM LOSE,

Defendants.

CV-06-79-BLG-RFC

BY

DEPUTY CLERK

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

On December 1, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends this Court dismiss Plaintiff's complaint for failure to state a claim upon which relief may be granted. Magistrate Judge Anderson further recommends that this Court certify, pursuant to Fed. R. App. P. 24(a)(4)(B), that any appeal from this decision would not be taken in good faith.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the December 1, 2006 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d

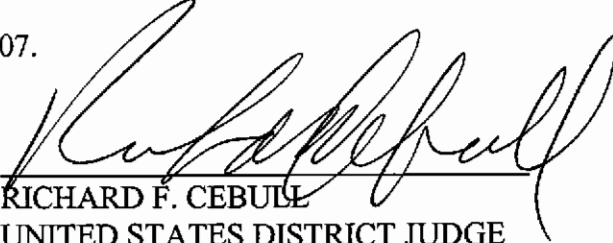
1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's complaints remand (*Doc. 1*) is **DISMISSED WITH PREJUDICE**. Pursuant to Fed. R. App. P. 24(a)(4)(B), any appeal of this decision would not be in good faith.

The Clerk of Court ~~shall~~ notify the parties of the making of this Order.

DATED the 4 day of January 2007.


RICHARD F. CEBUL
UNITED STATES DISTRICT JUDGE